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EXAMINER	
WON, MICHAEL YOUNG	
ART UNIT	**PAPER NUMBER**
2155	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/601,278	COULOMBE, STEPHANE	
	Examiner	Art Unit	
	Michael Y. Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-28 have been re-examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-15 and 17-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al. (US 2002/0016818 A1) in view of Beyda (US 5,870,610 A).

INDEPENDENT:

As per **claim 1**, Kirani teaches a method, comprising the steps of: providing (54) a multimedia messaging service signal (20) *(see page 1, [0004])* incorporating a further multimedia message signal (FMMS) indicative of a multimedia message *(see page 3, [0037] & [0040])* and a terminal-specific uniform resource locator (URL) signal from a multimedia messaging service center (14) to a receiving terminal (22) *(see page 2, [0029]; page 3, [0037]; page 5, [0064]; and page 8, [0103])*, said URL signal providing

an Internet server (32) location for rendering the multimedia message by the receiving terminal (22) *(see page 1, [0004] and page 3, [0037])*.

Although Kirani teaches of a URL signal providing to an Internet server and rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server comprises a software obtainable by the receiving terminal (22); and providing (58, 60) the software to the receiving terminal (22) for rendering.

Beyda teaches of software obtainable by the receiving terminal (22) and providing (58, 60) the software to the receiving terminal (22) for rendering *(see abstract and col.3, lines 19-24)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering within the multimedia method because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

As per **claim 19**, Kirani teaches a system, comprising: a multimedia messaging service center (14) *(see Fig.3)*, for providing a multimedia message service signal (20)

(see page 1, [0004]) incorporating a further multimedia message signal (FMMS) indicative of a multimedia message *(see page 3, [0037] & [0040])* and a terminal-specific uniform resource locator (URL) signal *(see page 2, [0029]; page 3, [0037]; page 5, [0064]; and page 8, [0103])*, said URL signal providing an Internet server (32) location for rendering the multimedia message at the receiving terminal (22) *(see page 1, [0004] and page 3, [0037])*.

Although Kirani teaches of a URL signal providing to an Internet server and rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server comprises a downloadable software obtainable by the receiving terminal (22); and providing (58, 60) the software to the receiving terminal (22) for rendering.

Beyda teaches of downloadable software obtainable by the receiving terminal (22) and providing (58, 60) the software to the receiving terminal (22) for rendering *(see abstract and col.3, lines 19-24)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing downloadable software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering within the multimedia method because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the

receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

As per **claim 27**, Kirani teaches a multimedia messaging service center (14) *(see Fig.3)*, comprising: a database (14a) for identifying uniform resource locators (URLs) *(see page 2, [0029]; page 3, [0037]; page 5, [0064]; and page 8, [0103])*; and means for providing a multimedia message service signal (20) to a receiving terminal (22) *(see page 1, [0004])*, incorporating a further multimedia message signal (FMMS) indicative of a multimedia message *(see page 3, [0037] & [0040])* and a URL signal, said URL signal providing an Internet server (32) location for rendering unsupported components of the FMMS by the receiving terminal (22) *(see page 2, [0029]; page 3, [0037]; page 5, [0064]; and page 8, [0103])*.

Although Kirani teaches of a URL signal providing to an Internet server and rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server comprises a terminal-specific downloadable software obtainable by the receiving terminal (22); and providing (58, 60) the terminal-specific software to the receiving terminal (22) for rendering.

Beyda teaches of terminal-specific downloadable software obtainable by the receiving terminal (22) and providing (58, 60) the terminal-specific software to the receiving terminal (22) for rendering *(see abstract and col.3, lines 19-24)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing terminal-specific downloadable software obtainable by the receiving

terminal and providing the terminal-specific software to the receiving terminal for rendering within the multimedia method because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

As per **claim 28**, Kirani teaches a receiving terminal (22) *(see Fig.3)*, comprising: means responsive to the multimedia message service signal *(see page 1, [0004])*, incorporating a further multimedia message signal (FMMS) indicative of a multimedia message *(see page 3, [0037] & [0040])* and a terminal-specific uniform resource locator (URL) signal, said URL signal providing an Internet server (32) location *(see page 2, [0029]; page 3, [0037]; page 5, [0064]; and page 8, [0103])*; and means for sending signal (34) to the Internet server (32) location provided by the URL signal *(see page 1, [0004] and page 3, [0037])*.

Although Kirani teaches of a URL signal providing to an Internet server and rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server comprises a terminal-specific downloadable software obtainable by the receiving terminal (22); and said request is a software request.

Beyda teaches of terminal-specific downloadable software obtainable by the receiving terminal (22) *(see abstract and col.3, lines 19-24)* and of a software request *(see col.4, lines 17-24)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing terminal-specific downloadable software obtainable by the receiving terminal and of a software request within the multimedia method because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

DEPENDENT:

As per **claim 2**, Kirani and Beyda further teach wherein the software is provided to the receiving terminal (22) in response to a software request signal (34) sent by the receiving terminal (22) *(see Beyda: col.4, lines 20-24)* to the Internet server (32) location provided by the URL signal *(see all independent claims above)*.

As per **claim 3**, Kirani and Beyda further teach wherein the software request signal (34) is sent by the receiving terminal (22) to the Internet server (32) location

provided by the URL signal only after receiving a software request command (30) from a user (24) *(see Beyda: col.4, lines 17-24)*.

As per **claim 4**, Kirani and Beyda further teach wherein the software request signal (34) is sent by the receiving terminal (22) to the Internet server (32) location provided by the URL signal automatically after receiving the multimedia messaging service signal (20) incorporating the URL signal *(see Beyda: abstract and col.4, lines 24-27)*.

As per **claim 5**, Kirani and Beyda teach of further comprising the step of: deciding (56) whether additional software is needed to be installed in the receiving terminal (22) for rendering originally unsupported components of a multimedia message signal (12) by the receiving terminal (22) *(implicit: see Beyda: col.4, lines 17-24)*.

As per **claim 6**, Kirani and Beyda further teach wherein said decision is made by the user (24) *(see claim 3 rejection above)*.

As per **claim 7**, Kirani and Beyda further teach wherein said decision is made automatically by the receiving terminal (22) *(see claim 4 rejection above)*.

As per **claim 8**, Kirani teaches of further comprising the step of: rendering (62) the further multimedia message signal indicative of the multimedia message by the receiving terminal (22), so that the multimedia message is perceptible by a user (24) *(see page 8, [0102])*.

As per **claim 9**, Kirani teaches of further comprising the step of: receiving and optionally storing (42) the multimedia message signal (12) by the multimedia messaging service center (14) *(see page 3, [0040]; page 5, [0064]; and page 8, [101], [102], [103])*.

As per **claims 10 and 21**, Kirani teaches of further comprising the steps of: providing (44) optionally a message notification signal (16) to the receiving terminal (22) by the multimedia messaging service center (14) *(implicit: see abstract: "e-mail system")*; and providing (46) a message retrieval request signal (18) containing a terminal signal indicative of a terminal information and optionally a multipurpose Internet mail extension (MIME) signal indicative of a terminal-specific MIME information *(see page 2, [0017] and page 17, [0116])* to the multimedia messaging service center (14) by the receiving terminal (22) *(implicit: see abstract: "e-mail system")*.

As per **claims 11 and 23**, Kirani further teaches wherein the message retrieval request signal (18) by the receiving terminal (22), is sent in response to the message notification signal (16) *(implicit: see abstract: "e-mail system")*.

As per **claim 12**, Kirani and Beyda teach of further comprising the step of: evaluating (48) by the multimedia messaging service center (14) whether it is appropriate to adapt unsupported components of the MMS (12) to meet the capabilities of the receiving terminal (22) *(see page 3, [0036], [0037])*; and identifying (48) the URLs *(see page 3, [0036])* for terminal-specific additional software to render the unsupported components of the multimedia message signal (12) based on the terminal *(see claim 1 rejection above)* and MIME signals *(see col.2, [0017] and page 17, [0116])* using a database (14a) of the multimedia messaging service center (14) *(see page 3, [0038], [0039] and page 6, [0076])*.

As per **claim 13**, Kirani teaches of further comprising the step of: adapting (49) by the multimedia messaging service center (14) the appropriate unsupported

components of the MMS (12) to meet the capabilities of the receiving terminal (22) *(see page 3, [0037])*.

As per **claims 14 and 17**, Kirani and Beyda further teaches wherein the MIME information *(see page 2, [0017] and page 17, [0116])* is deduced by the multimedia messaging service center (14) from the terminal information contained in the message retrieval request signal (18) (see page 3, [0038]) and from software release information *(see Beyda: col.2, lines 26-29 and col.3, lines 18-23)*.

As per **claim 15**, Kirani further teaches wherein a terminal signal indicative of terminal information is provided to the multimedia messaging service center (14) during a registration process of a particular application *(see page 6, [0070], [0076])*.

As per **claims 18 and 25**, Kirani further teaches wherein the further multimedia message signal is the same as the multimedia message signal (12) *(implicit: in instances where compatibility is not an issue; and see page 3, [0037]: "The recipient may receive a link (e.g., URL), that references the storage address in the repository, for the original (e.g., full-resolution) attachment for subsequent accessing")*.

As per **claim 20**, Kirani further teaches wherein the multimedia messaging service center (14) is further responsive to a multimedia message signal (12) indicative of the multimedia message *(see page 1, [0004], [0006] and pages 2-3, [0036])* and to a message retrieval request signal (18) containing a terminal signal indicative of a terminal information *(see page 3, [0038])* and optionally a multipurpose Internet mail extensions (MIME) signal indicative of a terminal-specific MIME information *(see col.2, [0017] and page 17, [0116])*.

As per **claim 22**, Kirani and Beyda further teaches wherein the receiving terminal (22) is responsive to a software request command (30) by a user (24) *(see Beyda: col.4, lines 20-24)*, for providing a message retrieval request signal (18) containing a terminal signal indicative of terminal information *(see page 3, [0038])* and optionally a multipurpose Internet mail extensions (MIME) signal indicative of a terminal-specific MIME information *(see col.2, [0017] and page 17, [0116])*, for providing a software request signal (34) to the Internet server (72) *(see Beyda: col.4, lines 20-24)*, for providing a URL image signal to the user (24) *(see page 7, [0095])*, and for rendering the further multimedia message signal indicative of the multimedia message perceptible by the user (24) *(see page 3, [0037] , [0040])*.

As per **claim 24**, Kirani teaches of further comprising a sending terminal (10), for providing a multimedia message signal (12) to the multimedia messaging service center (14) *(see Fig.3: #300)*.

As per **claim 26**, Kirani further teaches of a computer program for storage on a computer readable medium for executing the steps of claim 1 *(see Fig.2)*.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al. (US 2002/0016818 A1) and Beyda (US 5,870,610 A), further in view of Sollee et al. (US 6,757,732 B1).

As per **claim 16**, Kirani and Beyda teach all the limitations of except wherein the particular application is a session initiation protocol (SIP) instant messaging or SIP messaging session.

Sollee teaches wherein the particular application is a session initiation protocol (SIP) instant messaging or SIP messaging session *(see abstract)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sollee within the system of Kirani and Beyda by implementing session initiation protocol (SIP) instant messaging or SIP messaging session within the multimedia method because Sollee teaches that by implementing SIP, data can be transferred in real-time *(see col.3, line 66 to col.4, line 3)* and also teaches that by implementing SIP, the deficiencies are overcome *(see col.4, lines 21-36)*.

Response to Arguments

4. Applicant's arguments filed February 4, 2005 have been fully considered but they are not persuasive.

In response to the applicant's argument that the examiner alleges *Kirani* et al. (US 2002/0016818 A1) teaches the first step of claim 1, the examiner would like to clarify that although *Kirani* teaches of "said URL signal providing an internet server (32) location" "for rendering the multimedia message by the receiving terminal (22)" (see rejection above), *Kirani* is not relied upon to teach that the "rendering" is a result of an

obtainable software via the internet server location. *Beyda* (US 5,870,610 A) is cited to teach this limitation.

Clearly, the combinational teachings of *Kirani* and *Beyda* teach each and every limitation of the broadly claimed invention.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., software "to be installed in the receiving terminal") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Clearly the downloading of software to render a multimedia data is knowledge available to one of ordinary skill in the art and not gleaned from the applicant's disclosure. One examples known and employed are news web sites with hyperlinks to video data, when initiated by a client, automatically checks to see if the client has the

proprietary software (i.e. Real Player, Windows Media Player) necessary to render the multimedia stream on the client device.

Clearly, the combination of the two references would provide a reasonable expectation of success since *Beyda* teaches "Any system that includes the sophistication to require identification of a specific association between a device and a particular piece of software can utilize the method" (see col.3, lines 60-63) and *Kirani* teaches that a modified or optimum rendering/processing version of the original attachment will be downloaded depending on the device capabilities (see page 5, [0067]), which inherently teach an "association" between the "device" and a "software" that performs the downloading.

For the reasons above all remaining dependent claims remain rejected.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won

May 25, 2005

SALEH NAJJAR
PRIMARY EXAMINER